9 July 2002

Original: English

Preparatory Commission for the International Criminal Court

Working Group on Financial Issues — Victims Trust Fund

New York, 1-12 July 2002

Draft resolution of the Assembly of States Parties on the establishment of a fund for the benefit of victims of crimes within the jurisdiction of the Court, and of the families of such victims

Discussion paper proposed by the Coordinator

The Assembly of States Parties,

Bearing in mind the provisions of article 79, paragraph 1, of the Rome Statute,

1. *Decides* to establish a fund for the benefit of victims of crimes within the jurisdiction of the Court, and of the families of such victims;

2. *Decides also* that the fund shall be funded by:

(a) Voluntary contributions from Governments, international organizations, individuals, corporations and other entities, in accordance with relevant criteria adopted by the Assembly of States Parties;

(b) Money and other property collected through fines or forfeiture transferred to the trust fund if ordered by the Court pursuant to article 79, paragraph 2, of the Statute;

(c) Resources collected through awards for reparations if ordered by the Court pursuant to rule 98 of the Rules of Procedure and Evidence;

(d) Such resources, other than assessed contributions, as the Assembly of States Parties may decide to allocate to the fund;

3. *Adopts* the criteria relating to the management of the fund as set out in the annex to the present resolution.

Annex

1. The Assembly of States Parties hereby establishes a Board of Directors of the Trust Fund for the benefit of victims provided for in article 79 of the Rome Statute.

2. The Board shall have five members who shall be elected for a term of three years and may be re-elected once. They shall serve in an individual capacity on a pro bono basis.

3. The Assembly shall elect the members of the Board, all of whom shall be of a different nationality, on the basis of equitable geographical distribution and taking into account the need to ensure equitable gender distribution and equitable representation of the principal legal systems of the world. The members of the Board shall be of high moral character, impartiality and integrity and shall have competence in the assistance to victims of serious crimes.

4. The Board shall meet at the seat of the Court at least once a year.

5. The Registrar of the Court shall be responsible for providing such assistance as is necessary for the proper functioning of the Board in carrying out its tasks and shall also participate in meetings of the Board in an advisory capacity.

6. The Assembly of States Parties may, as and when the workload of the Victims Trust Fund increases, consider, on the recommendation of the Board and after consulting with the Registrar as required, the creation of an expanded capacity, including the appointment of an Executive Director, either within or outside the Registry as appropriate, to provide further assistance with the proper and effective functioning of the Trust Fund. The Assembly of States Parties may, as part of such consideration, after consulting with the Board and the Registrar, consider the payment of expenses of the Trust Fund from the voluntary contributions accruing to it.

7. The Board shall, in accordance with the provisions of the Rome Statute, the Rules of Procedure and Evidence, and the criteria to be determined by the Assembly of States Parties, establish and direct the activities and projects of the Fund and the allocation of the property and money available to it, bearing in mind available resources and subject to the decisions taken by the Court. Before establishing and directing the activities and projects of the Fund, the Board shall consult, as far as possible, victims and their families or their legal representatives and may consult any competent expert or organization.

8. Voluntary contributions from Governments, international organizations, individuals, corporations and other entities shall be submitted to the Board for approval, in accordance with the criteria laid down in paragraphs 9 and 10.

9. The Board shall refuse such voluntary contributions envisaged in paragraph 8 that are not consistent with the goals and activities of the Fund.

10. The Board shall also refuse voluntary contributions whose allocation, as requested by the donor, would result in a manifestly inequitable distribution of available funds and property among the different groups of victims.

11. The Board shall report annually to the Assembly of States Parties on the activities and projects of the Fund and on all offered voluntary contributions, regardless of whether they were accepted or refused.

12. The Committee on Budget and Finance shall examine the budget of the Trust Fund annually and submit to the Assembly of States Parties a report and recommendations for the best possible financial management of the Fund.

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Discussion paper proposed by the Coordinator

1. **Delete existing paragraph 3 and insert new paragraphs 3 and 4, *reading*:**

3. *Decides further* to request the Board of Directors established pursuant to the annex to the present resolution to develop suggestions for further criteria for the management of the Trust Fund for consideration and adoption by the Assembly of States Parties as soon as possible;

4. *Adopts* the annex to the present resolution relating to the management of the Trust Fund.

2. **In the annex, after paragraph 12, add a new paragraph 13, *reading*:**

13. The Financial Rules and Regulations shall apply mutatis mutandis to the administration of the Trust Fund, except as otherwise provided in the present resolution.

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Working Group on Financial Issues — Victims Trust Fund
New York, 1-12 July 2002

Draft resolution of the Assembly of States Parties on the procedure for the nomination and election of members of the Board of Directors of the Trust Fund for the benefit of victims

Discussion paper proposed by the Coordinator

The Assembly of States Parties,

Bearing in mind its resolution establishing a Board of Directors of the Trust Fund for the benefit of victims,

Mindful of the Rules of Procedure of the Assembly of States Parties,

Approves the following procedure for the election of members of the Board of Directors:

A
Nomination of candidates

1. The Secretariat of the Assembly of States Parties shall circulate through diplomatic channels the invitations for nominations of members of the Board of Directors. The invitations shall specify that the candidates be of high moral character, impartiality and integrity and have competence in the assistance to victims of serious crimes.

2. States Parties shall nominate candidates during the nomination period, which shall be fixed by the Bureau of the Assembly of States Parties.

3. Nominations submitted before or after the nomination period shall not be considered.

4. If at the end of the nomination period the number of candidates remains less than the number of seats, the President of the Assembly of States Parties shall extend the nomination period.

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5. States Parties to the Statute shall communicate nominations for the election of the members of the Board of Directors through diplomatic channels to the Secretariat of the Assembly of States Parties.

6. Each nomination shall specify how the candidate fulfils the requirements of paragraph 1 above.

7. The Secretariat of the Assembly of States Parties shall prepare a list in English alphabetical order of all persons thus nominated, with accompanying documents, and shall circulate it to States Parties through diplomatic channels.

B
Distribution of seats

8. Bearing in mind the requirements of paragraph 3 of the annex to the resolution establishing the Board of Directors, the distribution of seats on the Board shall be as follows:

- African States, 1 seat;
- Asian States, 1 seat;
- Eastern European States, 1 seat;
- Group of Latin American and Caribbean States, 1 seat;
- Western European and Other States, 1 seat.

C
Election of members of the Board of Directors

9. The election of members of the Board of Directors shall be a matter of substance, and subject to the provisions of article 112, paragraph 7 (a), of the Statute.

10. Every effort shall be made to elect the members of the Board by consensus. In the absence of consensus, the election shall be by secret ballot. This requirement may be dispensed with if the number of candidates corresponds to the number of seats to be filled, or in respect of candidates endorsed by the respective regional groups, unless a delegation specifically requests a vote on a given election.

11. The persons elected shall be the candidate from each group who obtains the highest number of votes and a two-thirds majority of States Parties present and voting, provided that an absolute majority of the States Parties constitutes the quorum for voting.